

46 Am. Jur. 2d Judges § 139

American Jurisprudence, Second Edition | February 2022 Update

Judges

Glenda K. Harnad, J.D.; and Kristina E. Music Biro, J.D., of the staff of the National Legal Research Group, Inc.

IX. Disqualification to Act in Particular Case

B. Grounds for Disqualification

4. Bias or Prejudice as Grounds for Disqualification

b. Appearance of Bias and Partiality as Grounds for Disqualification

§ 139. Judge's past background and experiences as grounds for disqualification

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

West's Key Number Digest, [Judges](#)  49(1), 49(2)

While litigants are entitled to a judge who will hear both sides and decide an issue on the merits of the law and the evidence presented, they are not entitled to a judge whose mind is a clean slate. Each judge brings to the bench the experiences of life, both personal and professional. A lifetime of experience that has generated a number of general attitudes cannot be left in chambers when a judge takes the bench.¹ Thus, a judge's average personal experiences do not generally lead to reasonable questions about the judge's impartiality and subsequent disqualification.² In addition, the fact that a trial judge harbors political views, religious persuasion, or values that are in direct opposition to those of a defendant does not, standing alone, constitute a basis for recusal.³

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Footnotes

- 1 [Madsen v. Prudential Federal Sav. and Loan Ass'n](#), 767 P.2d 538 (Utah 1988).
- 2 [Draggin' Y Cattle Co., Inc. v. Addink](#), 2016 MT 98, 383 Mont. 243, 371 P.3d 970 (2016).
- 3 [Welsh v. Com.](#), 14 Va. App. 300, 416 S.E.2d 451 (1992), judgment aff'd, 246 Va. 337, 437 S.E.2d 914 (1993).

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